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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/906,997 | 07/16/2001 | Kenneth H. Abbott | 294438008US2 | 8063 |

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EXAMINER

HAILU, TADESSE

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/906,997

Applicant(s)

ABBOTT ET AL.

Examiner

Tadesse Hailu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 134-208 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 134-151 is/are allowed.
- 6) ☐ Claim(s) 152-208 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/15/02, 12/20/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the patent application number (09/906,997) filed on 16 July 2001.
2. The current patent application claims priority from US Application number 09/216,193, filed 18 December 1998, now patent number 6,466,232.
3. The Information Disclosure Statements submitted on 7/15/2002 and 12/20/2002 are considered and entered into the file.
4. The pending claims 134-208 are examined herein as follows.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly

or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 152-208 are rejected under 35 U.S.C. 102(e) as being anticipated by Burkey et al (US Pat No 6,446,076).

With regard to claims 152:

Burkey discloses a computer-implemented method for defining a persona (theme) (Fig. 12) for use by a computing device in presenting information that is appropriate to a contextual situation represented by the theme (column 30, lines 52-67).

The method of Burkey discloses receiving one or more indications of multiple context attributes that are related to the represented contextual situation (column 31, lines 1-48, column 33, lines 33-53).

The method of Burkey further discloses receiving one or more indications of criteria for determining values of the indicated context attributes that match the represented contextual situation (column 31, lines 1-48, column 33, lines 33-53).

The method of Burkey further discloses receiving one or more indications of information that is appropriate to the

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represented contextual situation (column 31, lines 1-48, column 33, lines 33-53).

The method of Burkey also discloses defining a theme based on the received indications that can be used by the computing device to present the appropriate information when context information for a contextual situation includes values for the indicated context attributes that are determined by the indicated criteria to match the represented contextual situation (column 31, lines 1-48, column 33, lines 33-53).

With regard to claims 153:

Burkey further discloses receiving an indication of context information for a current contextual situation that includes values for context attributes (column 31, lines 1-48).

Burkey further discloses determining that the defined theme matches the current contextual situation by using the indicated criteria for the defined theme to determine that the included context attribute values contain values of the indicated context attributes for the defined theme that are determined to match the represented contextual situation (column 27, lines 10-27, column 30, lines 32-67).

In response, Burkey further discloses presenting the indicated information for the defined theme (column 30, lines 7-33).

With regard to claims 154:

Burkey further discloses the received indications are from a user of the computing device (column 33, lines 33-53).

With regard to claims 155:

Burkey further discloses the represented contextual situation is a contextual situation of the computing device and/or of a user of the computing device (column 31, lines 1-48, column 33, lines 33-53).

With regard to claims 156:

Burkey further discloses the defining of the theme includes associating a priority with the defined theme for use when selecting one of multiple defined themes (e.g., Work, or Office persona) that each represents a contextual situation (column 33, lines 33-53, column 37, lines 33-38).

With regard to claims 157:

Burkey further discloses the priority is based on a degree of interest of a user in the represented contextual situation (column 36, lines 14-23, column 37, lines 33-38).

With regard to claims 158:

Burkey further discloses the priority is based on a degree of importance of the represented contextual situation (column 36, lines 14-23, column 37, lines 33-38).

With regard to claims 159:

Burkey further discloses the priority is based on a degree of urgency of the represented contextual situation (column 37, lines 33-38, column 39, lines 3-22).

With regard to claims 160:

Burkey further discloses the defining of the theme includes associating logic with the defined theme that can perform appropriate functionality when the defined theme matches a contextual situation (column 27, lines 28-39, column 30, lines 34-50).

With regard to claims 161:

Burkey further discloses the defining of the theme includes associating permission information with the defined theme that specifies types of the access to the defined theme that are allowed (column 31, lines 29-48, column 33, lines 33-53).

With regard to claims 162:

Burkey further discloses the defining of the theme includes associating security information with the defined theme that specifies access information needed to obtain access to the defined theme (column 29, lines 7-23, lines 24-40).

With regard to claims 163:

Burkey further discloses the defining of the theme includes associating a privacy setting with the defined theme that

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specifies a level of privacy for the defined theme (column 29, lines 24-40).

With regard to claims 164:

Burkey further discloses the defining of the theme includes associating a theme-sharing setting with the defined theme that specifies whether information about the defined theme is to be made available to other themes (column 31, lines 29-48, column 32, lines 4-26).

With regard to claims 165:

Burkey further discloses the defining of the theme includes associating the defined theme with a category of themes (see Fig. 12, email, travel, news categories are associated to each persona (themes)).

With regard to claims 166:

Burkey further discloses the defining of the theme includes associating the defined theme with a group of related themes (column 31, lines 1-48, column 32, lines 4-26).

With regard to claims 167:

Burkey further discloses the defining of the theme includes defining a hierarchical relationship of the defined theme to other themes (see the hierarchy in Fig. 12).

With regard to claims 168:

Burkey further discloses the defining of the theme includes associating a theme layout with the defined theme that includes one or more indications of the indicated appropriate information for the defined theme (column 29, lines 41-63, column 30, lines 7-33).

With regard to claims 169:

Burkey further discloses the associated theme layout further includes one or more indications of a manner of presenting the indicated appropriate information (column 30, lines 7-33).

With regard to claims 170:

Burkey further discloses the defining of the theme includes defining the theme layout based on received indications (column 29, lines 41-63, column 30, lines 7-33).

With regard to claims 171:

Burkey further discloses the defining of the theme includes associating multiple distinct theme layouts with the defined theme that each includes indications of distinct information to be presented when that theme layout is selected (column 29, lines 41-63, column 30, lines 7-33, column 34, lines 21-35).

With regard to claims 172:

Burkey further discloses the indicated appropriate information for the defined theme is structured in multiple

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portions each having distinct types of information that are to be displayed (e.g. such information include personal calendar and contact list will be shown simultaneously) (column 29, lines 7-23).

With regard to claims 173:

Burkey further discloses the distinct types of information include textual information and image information (column 32, lines 37-49, column 39, lines 3-22).

With regard to claims 174:

Burkey further discloses the indicated appropriate information for the defined theme is an indicated type of information that is relative to the computing device using the defined theme or to a user of the computing device, such that the information to be presented for the defined theme will be information that is specific to the computing device or the user and that is of the indicated type (column 30, lines 53-67, column 31, lines 29-48, column 33, lines 33-53).

With regard to claims 175:

Burkey further discloses the indicated appropriate information for the defined theme includes indications of multiple distinct sources from which the appropriate information is to gathered for presentation (column 30, lines 52-67).

With regard to claims 176:

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Burkey further discloses the indicated appropriate information for the defined theme includes types of information for a person, object or location that is a topic at the time of the presentation of the appropriate information (column 37, lines 33-38, column 38, lines 16-34).

With regard to claims 177:

Burkey further discloses the indicated appropriate information for the defined theme includes types of information for an activity that is occurring at the time of the presentation of the appropriate information (column 38, lines 17-34).

With regard to claims 178:

Burkey further discloses at least one of the indicated context attributes for the defined theme is a new context attribute (column 29, lines 7-23), and wherein the defining of the theme includes receiving an indication to define the new context attribute (column 33, lines 33-53). Burkey further discloses defining the new context attribute in response to the received indication (column 34, lines 21-35, column 38, lines 17-44).

With regard to claims 179:

Burkey further discloses the defining of the theme includes receiving an indication to generate a new context server module

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(Fig.17) capable of generating values for at least one of the indicated context attributes, and generating the new context server module in response to the received indication (column 33, lines 33-53, column 36, lines 62-column 37, lines 4).

With regard to claims 180:

Burkey further discloses the defining of the theme includes receiving an indication to generate a new context client module capable of producing responses appropriate to the represented contextual situation (column 33, lines 19-32), and generating the new context client module in response to the received indication (column 33, lines 54-column 34, lines 9, column 34, lines 21-35).

With regard to claims 181:

Burkey further discloses the indicated criteria for the defined theme indicates possible values for each of the indicated context attributes (column 31, lines 1-48).

With regard to claims 182:

Burkey further discloses at least one of the indicated context attributes for the defined theme represents information about a user of the computing device (column 30, lines 53-67, column 31, lines 29-48).

With regard to claims 183:

Burkey further discloses the represented information reflects a modeled mental state of the user (column 32, lines 28-36).

With regard to claims 184:

Burkey further discloses at least one of the indicated context attributes for the defined theme represents information about the computing device (column 33, lines 33-53).

With regard to claims 185:

Burkey further discloses at least one of the indicated context attributes for the defined theme represents information about a physical environment (column 36, lines 61-column 37, lines 4, column 34, lines 37-45).

With regard to claims 186:

Burkey further discloses at least one of the indicated context attributes for the defined theme represents information about a cyber-environment of a user of the computing device (column 32, lines 28-49, column 38, lines 17-34).

With regard to claims 187:

Burkey further discloses defining multiple themes based on received indications that each represents distinct contextual situations (see Fig. 12, column 30, lines 52-67, column 34, lines 21-35).

With regard to claims 188:

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Burkey further discloses distributing the defined theme to at least one computing device for use by those computing devices in presenting appropriate information in response to an occurrence of the represented contextual situation (column 33, lines 33-53, column 34, lines 21-35).

With regard to claims 189:

Burkey further discloses the receiving of the indications are from a user in response to presenting inappropriate information for the represented contextual situation (column 33, lines 33-53).

With regard to claims 190:

Burkey further discloses the presenting of the a inappropriate information is based on another defined theme, and wherein the defining of the theme is performed in such a manner that the defined theme will be used to present the appropriate information in response to future occurrences of the represented contextual situation (column 27, lines 11-27, column 32, lines 4-26, lines 51-62).

With regard to claims 191:

Burkey further discloses the receiving of the indications are from a user in response to a provided indication that appropriate information for the represented contextual situation is not available (column 33, lines 33-53).

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With regard to claims 192:

Claim 192, while not necessary identical in scope, contains limitations similar to independent claim 152 and therefore is rejected under the same rationale.

With regard to claims 193:

Burkey further discloses the computer-readable medium is a data transmission medium transmitting a generated data signal containing the contents (column 49, lines 19-24).

With regard to claims 194:

Burkey further discloses that the computer-readable medium is a memory of a computer system (column 3, lines 26-52).

With regard to claims 195:

Claim 195, while not necessary identical in scope, contains limitations similar to independent claim 152 and therefore is rejected under the same rationale.

With regard to claims 196:

Burkey further discloses that the first input component, second input component, and theme definition component are executing in memory of the computing device (column 3, lines 26-52).

With regard to claims 197:

Burkey further discloses the computing device is a wearable computer (column 33, 19-32).

With regard to claims 198:

Burkey discloses a computer system (Figs. 17 and 25) for defining a persona (theme) for use by a computing device in presenting information that is appropriate a contextual situation represented by the theme (see Work, Office and vacation (or lake Tahoe) persona, Fig. 12).

Burkey discloses means for receiving one or more indications of multiple context attributes that are related to the represented contextual situation (column 33, lines 18-32, 33-53).

Burkey further discloses means for receiving one or more indications of criteria for determining values of the indicated context attributes that match the represented contextual situation (column 31, lines 1-48).

Burkey further discloses means for receiving one or more indications of information that is appropriate to the represented contextual situation (column 29, lines 41-63, column 30, lines 7-33).

Burkey further discloses means for defining a persona (theme) based on the received indications that can be used by the computing device to present the appropriate information when context information for a contextual situation includes values for the indicated context attributes that are determined by the

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indicated criteria to match the represented contextual situation (column 31, lines 1-48, column 33, lines 33-53).

With regard to claims 199:

Burkey discloses defining a theme for use in providing to a user of a portable computing device an appropriate response to a contextual situation represented by the theme (column 31, lines 1-28, column 33, lines 19-53).

The method of Burkey further discloses receiving an indication of context information for a current contextual situation that includes multiple context attribute values (column 30, lines 53-67, column 31, lines 1-28).

The method of Burkey further discloses determining a response to provide to the current contextual situation based on at least some of the multiple context attribute values (column 31, lines 1-48, column 34, lines 21-35).

The method of Burkey further discloses providing the determined type of response to the user (column 34, lines 21-35).

The method of Burkey further disclose receiving an indication from the user that a specified type of response is more appropriate to the current contextual situation than the determined type of response (column 31, lines 1-48, column 34, lines 21-60).

The method of Burkey further disclose in response to the received indication, defining a theme that represents the current contextual situation and that is associated with the specified type of response, so that the defined theme can be used to provide the specified type of response for other occurrences of the current contextual situation (column 32, lines 50-column 33, lines 17, column 33, lines 19-53).

With regard to claims 200:

Burkey further disclose the determining of the response to provide to the current contextual situation includes identifying (E.G., work, office or vacation personal, Fig. 12) one of multiple previously defined themes such that the one theme matches the current contextual situation and is associated with the determined type of response (column 27, lines 11-38).

With regard to claims 201:

Burkey further disclose the determining of the response to provide to the current contextual situation includes determining that none of multiple previously defined themes matches the current contextual situation and selecting the determined type of response as a default type of response (column 27, lines 11-38, column 38, lines 36-64).

With regard to claims 202:

Burkey further disclose the determined type of response is to provide no response (column 37, lines 33-38).

With regard to claims 203:

Burkey further disclose the defined theme includes one or more indications of multiple context attributes that are related to the represented contextual situation (column 38, lines 16-34), one or more indications of criteria for determining values of the indicated context attributes that match the represented contextual situation (column 27, lines 11-27), and one or more indications of information that is appropriate to the represented contextual situation (column 31, lines 1-48).

With regard to claims 204:

Burkey further disclose the specified type of response includes presenting information to the user (column 34, lines 11-45).

With regard to claims 205:

Burkey further disclose the specified type of response includes providing functionality to the user that is appropriate to the current contextual situation (column 34, lines 11-45).

With regard to claims 206:

Burkey further disclose the specified type of response includes presenting interaction controls to the user that are

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appropriate to the current contextual situation (column 29, lines 7-23).

With regard to claims 207:

Burkey further disclose defining multiple themes based on received indications that each represent distinct contextual situations (Fig. 12, column 30, lines 52-67).

With regard to claims 208:

Burkey further disclose that the received indication from the user includes an instruction to define the theme (column 30, lines 52-67, column 38, 16-34).

Allowable Subject Matter

6. *Claims 134-151 are allowed.*

7. The following is an examiner's statement of reasons for allowance: The prior art of record neither renders obvious nor anticipates the combination of claimed elements because the prior art of records fails to teach each element recited in applicant's claims. Applicant's claims recites "a method for assisting a user of a wearable computing device in creating a theme for user in presenting information to the user, The preamble further includes elements which breaths life into the claims. The method recites, a plurality of steps including among

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other steps "determining that one of the multiple previously created themes models the current contextual situation such that each of the context attributes specified for that one theme has a current value indicated in the received current context information that matches one of the specified possible values associated with that context attribute."

Thus, prior art of record neither renders obvious nor anticipates the combination of claimed elements including the preamble as specified in claims 134-151.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONCLUSION

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 273-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 273-4048 Art Unit 2173.

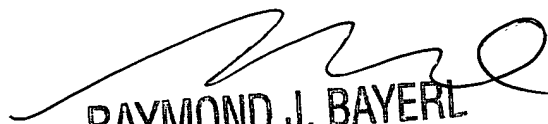
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9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

Art unit 2173

9/29/04


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173